

SB 1019 (Leno)

As amended March 24, 2014

Consumers' Right to Know: Flame Retardants in Furniture

FACT SHEET

PURPOSE

SB 1019 will ensure consumers' right to know whether the furniture they are purchasing contains flame retardant chemicals.

SUMMARY

SB 1019 will provide consumers easily accessible information on whether the upholstered furniture product they are purchasing contains added flame retardant chemicals.

Specifically, SB 1019 requires upholstered furniture manufacturers to disclose whether or not furniture contains flame retardant chemicals. Such information would be provided as part of a product label, which is already required by current regulations. Manufacturers would also provide this information to retailers, who would display the information near the product price or description so that consumers can readily identify which products contain or do not contain flame retardant chemicals. SB 1019 would also provide for enforcement of these provisions.

Consumers deserve the right to make educated choices about the products they purchase. The disclosure and labeling provisions of SB 1019 promote this. Ultimately, consumers who exercise that choice in purchasing safer products create a direct and positive impact on the reduction of toxic exposures for themselves and for firefighters.

BACKGROUND

The Home Furnishings and Thermal Insulation Act (Act) requires all seating furniture sold or offered for sale in this state to be "fire retardant." The definition of "fire retardant" is a product that meets the regulations adopted by the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (BEARHFTI). Previously, Technical Bulletin 117 (TB 117) was the regulation implementing the Act for upholstered furniture. TB 117 used an open-flame standard as the metric for measuring flammability and fire safety even though most fire ignition sources are smoldering. As a result, flame retardant chemicals were used in virtually all upholstered furniture in order to meet the flammability standard of the Act.

BEARHFTI recently found that flame retardant chemicals in furniture do not provide a meaningful fire safety benefit. In some cases, studies revealed that the presence of these chemicals actually made products perform worse in flammability tests.

The growing body of evidence that flame retardant chemicals do not provide an added fire safety benefit contributed, in part, to Governor Brown directing BEARHFTI in June 2012 to revise TB 117 to "recommend changes to reduce toxic flame retardants while continuing to ensure fire safety."

Flame retardant chemicals are associated with a variety of health concerns, including cancer, decreased fertility, hormone disruption, lower

IQ, and hyperactivity. The presence of flame retardant chemicals can result in more toxic smoke containing cancer-causing chemicals like dioxins and furans when there is a fire -- putting firefighters, in particular, at increased risk.

Studies have found that, in the course of performing their work-related duties, firefighters are exposed to flame retardants and their by-products, as well as other toxic gases, which can penetrate protective gear. These studies conclude that exposures to these chemicals likely contribute to firefighters having a much greater risk of contracting cancer, heart and lung disease and other debilitating diseases.

Following a thorough and public rulemaking process, BEARHFTI finalized Technical Bulletin 117-2013 (TB 117-2013) as the new regulation implementing the Act for upholstered furniture. TB 117-2013 uses a smolder standard that ensures fire safety and does not necessitate the use of flame retardant chemicals. Beginning January 1, 2014, furniture manufacturers are allowed to produce furniture that meets the new standard, TB 117-2013. Beginning January 1, 2015, all upholstered furniture covered under the Act must meet the flammability standard of TB 117-2013.

While TB 117-2013 no longer requires upholstered furniture manufacturers to use flame retardant chemicals, consumers will not be able to tell if a piece of furniture does or does not contain flame retardant chemicals. Under the Act, BEARHFTI lacks the authority to expand the current TB 117-2013 label to provide this necessary consumer disclosure of the use or absence of flame retardants. As a result, current law does not require disclosure of the use of these chemicals even though many consumers want and are seeking such information.

Consumers are increasingly demanding products that do not contain these chemicals. The option of making an informed choice is especially crucial for upholstered furniture since the decision intimately affects a consumer's living space for a long period of time and their family's exposure to toxic and untested chemicals.

SOLUTION

SB 1019 will give consumers the ability and freedom to make informed decisions when purchasing upholstered furniture.

Specifically, the bill requires the disclosure of the use or absence of flame retardant chemicals on the existing TB 117-2013 product label that is attached to the furniture. Additionally, the bill requires the information be displayed near the price or description of the product. This ensures that consumers can clearly see the information when they are deciding what item to purchase.

SB 1019 is about information and transparency.

STATUS

Senate Environmental Quality

SUPPORT

California Professional Firefighters (sponsor)
Center for Environmental Health (sponsor)
Natural Resources Defense Council (sponsor)
CALPIRG
Consumer Federation
Consumers Union
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